

exercise of official duties. Certainly there is not a word in the Constitution which has given that power to them more than to the executive or legislative branches. Questions of property, of character and of crime being ascribed to the Judges, through a definite course of legal proceeding, laws involving such questions belong, of course, to them; and as they decide on them ultimately and without appeal, they, of course, decide for themselves. The Constitutional validity of the law or laws again prescribing executive action, and to be administered by that branch ultimately and without appeal, the Executive must decide for themselves also, whether, under the Constitution, they are valid or not. So also as to laws governing the proceedings of the legislature, that body must judge for itself the constitutionality of the law, and equally without appeal or control from its co-ordinate branches. And, in general, that branch which is to act ultimately, and without appeal, on any law, is the rightful expositor of the validity of the law, uncontrolled by the opinions of the other co-ordinate authorities. (To W. H. Torrance, 1815. C. VI., 461.)

CONSTITUTIONS.—No society can make a perpetual Constitution or even a perpetual law. The earth belongs always to the living generation. They may manage it then, and what proceeds from it, as they please during their usufruct. They are masters, too, of their own persons, and consequently may govern them as they please. But persons and property make the sum of the objects of government. The Constitution and laws of their predecessors extinguished them, in their natural course, with those whose will gave them being. This could preserve that being till it ceased to be itself, and no longer. Every Constitution, then, and every law, naturally expires at the end of nineteen years. If it be enforced longer, it is an act of force and not of right.

It may be said that the succeeding generations exercising in fact the power of repeal, this leaves them as free as if the Constitution or law had been expressly limited to nineteen years only. In the first place, this objection admits the right, in proposing an equivalent. It might be indeed if every form of gov-